

ORDINANCE NO. 4423

AN ORDINANCE AMENDING AND REENACTING CHAPTER 64V,
AMENDING AND REENACTING SECTION 60.327 OF THE
ROCHESTER CODE OF ORDINANCES, RELATING TO THE
ESTABLISHMENT OF THE RIVERFRONT COMMONS SPECIAL
DISTRICT.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Chapter 64V of the Rochester Code of Ordinances is hereby amended to read as follows:

64V. RIVERFRONT COMMONS SPECIAL DISTRICT

64V .100. **PURPOSE.** The purpose of this Special District is to provide for zoning regulations that shall be administered in the RIVERFRONT COMMONS Special District, as required in section 62.900 of the Rochester Code of Ordinances. This chapter contains the special regulations of the RIVERFRONT COMMONS Special District.

64V.150 BOUNDARIES OF THE LAND.

This ordinance shall apply to the following described property located within the City of Rochester, County of Olmsted, State of Minnesota:

Parcel "A" (North of C.S.A.H. No. 25):

That part of the Southwest Quarter of the Northwest Quarter of Section 11, Township 106 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southwest corner of said Quarter Quarter Section; thence North 89 degrees 26 minutes 57 seconds East, assumed bearing, along the south line thereof, 471.71 feet; thence North 22 degrees 18 minutes 41 seconds East, 142.14 feet to the centerline of C.S.A.H. No. 25 (16th Street SW) for the point of beginning (the next three courses are along said centerline); thence South 78 degrees 48 minutes 35 seconds East, 250.74 feet; thence easterly 548.41 feet along a tangential curve, concave northerly, radius of 2831.48 feet, central angle of 11 degrees 05 minutes 50 seconds and the chord of said curve bears South 84 degrees 21 minutes 30 seconds East, 548.41 feet to the east line of said Quarter Quarter Section; thence North 01 degree 23 minutes 21 seconds West, along said east line, 847.58 feet to the south line of the north 443.28 feet of the Southwest Quarter of the Northwest Quarter of said Section 11; thence South 89 degrees 23 minutes 46 seconds West, parallel with the north line of said Quarter Quarter Section, 294.43 feet; thence South 42 degrees 18 minutes 41 seconds West, 445.12 feet to the point of beginning.

Containing 11.23 acres more or less.

Parcel "B" (South of C.S.A.H. No. 25):

That part of the West Half of Section 11, Township 106 North, Range 14 West, Olmsted County, Minnesota described as follows:

Commencing at the northwest corner of the Southwest Quarter of Section 11; thence North 89 degrees 26 minutes 57 seconds East, assumed bearing, along the north line thereof, 450.00 feet for the point of beginning; thence South 01 degree 35 minutes 27 seconds East, parallel with the west line of said Southwest Quarter, 739.06 feet to the centerline of County Road No. 125 (previously S.A.R. "D") (the next five courses are along said centerline); thence North 69 degrees 06 minutes 56 seconds East, 167.85 feet; thence northeasterly 435.67 feet along a tangential curve, concave northwesterly radius of 572.96 feet, central angle of 43 degrees 34 minutes 00 seconds and the chord of said curve bears North 47 degrees 19 minutes 56 seconds East, 425.25 feet; thence North 25 degrees 32 minutes 56 seconds East, tangent to said curve 338.55 feet; thence easterly 218.65 feet along a tangential curve, concave southeasterly, radius of 198.08 feet, central angle of 63 degrees 14 minutes 53 seconds and the chord of said curve bears North 57 degrees 10 minutes 23 seconds East, 207.72 feet; thence North 88 degrees 53 minutes 23 seconds East, tangent to said curve, 55.99 feet to the east line of the Southwest Quarter of the Northwest Quarter of said Section 11; thence North 01 degree 23 minutes 21 seconds West, along said east line, 0.72 feet to the center of C.S.A.H. No. 25 (16th Street SW); thence westerly 548.41 feet along said centerline and along a nontangential curve, concave northerly, radius of 2831.48 feet, central angle of 11 degrees 05 minutes 50 seconds and the chord of said curve bears North 84 degrees 21 minutes 30 seconds West, 548.41 feet; thence North 78 degrees 48 minutes 35 seconds West, along said centerline and tangent to said curve, 250.74 feet; thence South 22 degrees 18 minutes 41 seconds West, 142.14 feet to the north line of the Southwest Quarter of said Section 11; thence South 89 degrees 26 minutes 57 seconds West, along said north line, 21.71 feet to the point of beginning.

Containing 8.90 acres more or less.

64V.200. **LEGISLATIVE INTENT AND FINDINGS.**

Subdivision 1. RIVERFRONT COMMONS provides a compelling alternative to single-use zones by offering a dramatically different mixed-use and environmentally, socially, economically and aesthetically advanced development design.

Subd. 2. This Special District is established to foster the development of a comprehensively-planned, pedestrian-oriented neighborhood. This is accomplished by promoting a mix of land uses, higher density housing, and by requiring skillful architectural and landscape design in creating buildings and open spaces. The site's location with the Zumbro River along the western boundary and adjacent to major streets makes this an ideal place to create

an infill district that avoids the negative impacts of suburban sprawl with an efficient, compact, mixed-use land plan.

- Subd. 3. This type of development is consistent with the goals and policies of the City's Land Use Plan and Housing Plan, which encourages creating mixed-use, and higher density residential neighborhoods (at the intersections of major streets).

64V.210. **ESTABLISHMENT OF RIVERFRONT COMMONS SPECIAL DISTRICT.**

Subdivision 1. Pursuant to section 62.900 of the Rochester Code of Ordinances, the Rochester Common Council hereby creates a special zoning district to be known as the RIVERFRONT COMMONS Special District ("Special District"). The Special District shall be an overlay-zoning district designed to encourage the attractive and innovative development of the Site. The regulations and guidelines set forth in this Special District shall prevail over the regulations of the noted underlying zoning district.

- Subd. 2. The determination of the need for the creation of this Special District is based upon the following findings or Land Use Principles:

- A. This Special District is established to foster the development of a comprehensively-planned, pedestrian-oriented neighborhood. This is accomplished by promoting a mix of land uses, higher density housing and by requiring skillful architectural and landscape design in creating buildings and open spaces. The site's location, adjacent to the Zumbro River and major streets, makes this an ideal place to create a neighborhood that avoids the negative impacts of suburban sprawl with an efficient, mixed-use land plan.
- B. The location of RIVERFRONT COMMONS fits within the City's Urban Service Area. RIVERFRONT COMMONS is located on both the north and south sides of 16th Street SW and west of Mayowood Road SW. A future signal or roundabout is planned at the intersection of 16th Street SW and Mayowood Road. All perimeter streets will have bicycle pedestrian trails adjacent to them. A City bike trail and property adjacent to the Zumbro River corridor also form its western boundary and is also adjacent to the development. City parkland is adjacent to the north property line.
- C. A mix of uses within the development creates opportunities for people to walk and interact. That combined with strong urban and landscape design creates a sense of place. The size and shape of RIVERFRONT COMMONS and the location of the buildings ensures that all destinations are within an easy walk, and that the

development functions as a mixed-use neighborhood,

- D. ~~RIVERFRONT COMMONS provides open space and connections to open space to meet the physical and emotional needs of residents and residents of nearby neighborhoods.~~ It will provide a good transition from the highly urbanized commercial district surrounding Apache Mall to the single-family neighborhoods to the east. It incorporates important neighborhood features such as the Zumbro River into the design and acknowledges the Stone Barn nearby. The storm water management and the drainage systems are incorporated as amenities and are an integral part of the development.
- E. RIVERFRONT COMMONS uses landscaping to accentuate and integrate the natural and built environments, establish visual connectivity and community identity and provides environmental and public health benefits.
- F. The quantity, location and design of parking in RIVERFRONT COMMONS reinforces the pedestrian-friendly nature of the community and encourages use of alternative modes of transportation while still accommodating vehicular traffic. The higher density encourages mass transit service.

64V.220. **UNDERLYING DEVELOPMENT STANDARDS.** Except where otherwise specified, standards for the development of this district shall be based upon the Town Center District, section 62.300, B-1 Commercial District.

64V.230. **SUBDISTRICT REGULATIONS.**
Subdivision 1, Town Center District.

Subd. 2. **Town Center District:** The Town Center permitted uses and appearance control standards shall comply with section 62.310 for the B-1 zoning district unless otherwise provided in this special district.

A. **Site Development Plan and Site Plan Review:** The site shall go through review by the City's site development plan review process.

B. **Site Standards:**

- (1) Parking for the transient accommodation facility and Building B on Lot 2, Block 1, shall be allowed in the front of the facility and adjacent to the public street frontage of

16th Street SW in accordance with the Special District Plan, dated August 17, 2016.

Parking shall be on the side or to the rear of the commercial uses with regard to the public street frontage. On-street parking in front or on the side of the lot shall count toward fulfilling the parking requirements.

- (2) Commercial building façade heights shall be based upon the intended use with consideration given to scale in respect to the neighboring residential uses adjacent to the site. Commercial building facades shall not exceed 2 stories in height or 26' above the building's primary entrance level excluding corner entrance and/or corner signage elements when they are not directly adjacent to neighboring residential uses.
- (3) The allowable building height for transient accommodations shall not exceed 50 feet measured from the average finished ground elevation adjacent to the structure to the top of the parapet wall of the structure.
- (4) The Multi-Family Residential building façade shall not exceed 5 stories or 58' above the building's primary entrance level. Each end of the multi-family residential building shall be stepped to 4 stories above the primary entrance level for a minimum of 12' from the common exterior wall below to reduce overlooking.
 - (a) Rooftop community gathering spaces within the Multi-Family Residential building shall be located on the west end of the apartment building with a minimum 400' setback from the eastern property boundary and adjacent residential use.
- (5) Underground and surface parking shall be allowed.
- (6) Minimum building setbacks shall be as follows:
 - a. Commercial / Office / Retail uses shall provide a minimum building setback of 40' from eastern property line.
 - b. Multi-Family Residential uses shall provide a minimum building setback of 65' from eastern property line.

- (a) A min. 30' wide natural buffer (as measured from the property line to the canopy edge) shall be established along the full length of the eastern property line. This existing area along Parcel A's eastern boundary shall be managed for removal of invasive species and specimens of poor quality. Desirable deciduous overstory trees shall be maintained that comply with City Forestry guidelines. Suitable species to be used to provide additional screening along the perimeters of the site include Valley Forge and Princeton (disease-resistant) American elm, hackberry, bur oak, black cherry, cranberry bush viburnum, dogwood, chokeberry, serviceberry, elderberry and silver maple (Autumn Blaze Maple), in order to blend in with the native floodplain forest of the Zumbro River.
- a. The screening ability of this established buffer along the eastern property line shall be augmented by the addition of up to 8 evergreen tree species (Black Hills Spruce, Colorado Blue Spruce, etc.) per 100 lineal feet of property line. Exact placement and grouping shall be determined after the initial grading and clearing has taken place and before the balance of the landscaping has been completed on site.
- b. The Riverfront Commons property owners shall annually contract a reputable landscape maintenance company to proactively manage the 30' buffer area. The annual buffer management plan should include the following :
- i. An arborist shall be contracted to survey for Dutch Elm disease annually to provide early detection of disease and to facilitate the upcoming year's maintenance plan.
 - ii. Control of weed competition around planted trees.
 - iii. Mulching and fertilizing of planted trees to improve vigor and growth rate.
 - iv. Selective tree removals and pruning to reduce overstory competition for planted trees (this should be very selective to preserve canopy as much as possible).
 - v. Management of buckthorn and other invasive species on West side of fence. It is agreed and understood that the clearing/spraying of undergrowth (Buckthorn) etc., is primarily intended to

- reduce competition with new plantings on the West side of the buffer fence.
- vi. Maintenance on the east side of the buffer fence is intended to be left as natural as possible. Removals and replacements will be done when trees die naturally. Select trees may be removed to release newly planted trees when it can be done with minimal impact on canopy density.
 - vii. Riverfront Commons property owners shall hold a minimum of one meeting annually with the Stone Barn I & II representatives, at a time and place mutually agreeable to both parties in order to outline the annual buffer management plan as recommended by an arborist.
 - viii. The annual buffer management plan shall include recommended tree plantings as needed to replace dead trees or supplement the buffer, with the long-term goal of providing a strong visual screen to the neighborhood. In no event shall the property owners be obligated to install more than ten (10) new trees in any calendar year.

- (b) A centrally focused, pedestrian oriented “Town Square” landscaped area contributes to the Town Center design concept and helps to reduce the visual impact required parking areas have. Pedestrian scaled amenities could include seating areas, sidewalk connections, small gathering areas, and/or open space.
- (c) Sidewalk connectivity throughout the site and between buildings and exterior amenities is required. Pedestrian access should be encouraged by providing a system of sidewalks and paths to navigate through the site encouraging people to walk and interact.

Subd. 3. Permitted Uses: Permitted uses shall include the following:

- A. All Type I uses permitted in the B-1 zoning district with the exception of the following uses:

- (1) Manufactured Home Park or sales
- (2) Sales and Storage Lots
- (3) Parking Facility (as a principle use)
- (4) Sand or Gravel Excavation
- (5) Auto Center
- (6) Trade Shops
- (7) Use of Storage Containers
- (8) Duplexes
- (9) Repair Maintenance Shops
- (10) Auto Maintenance Services
- (11) Transportation Service Facility
- (12) Appliance Sales
- (13) Retail Agriculture
- (14) Car Washes
- (15) Funeral Homes
- (16) Adult Establishments
- (17) Tattoo Parlors
- (18) Convenience Retail
- (19) Bulk Fuel Storage
- (20) Vehicle Storage
- (21) Junkyard
- (22) Kennel
- (23) Retail Liquor sales where wine accounts for less than 50% of annual sales volume.

Exception: Retail Liquor sales integral to a grocery store use shall be allowed.

B. Additional uses permitted in the special district shall be as follows:

- (1) Residential- condos at grade or above retail/commercial
- (2) Day Care facilities
- (3) Drinking and Entertainment
- (4) Temporary Uses — art fairs, farmers' market, flea markets, neighborhood gatherings

Subd. 4. Limitation of Permitted Uses

A. The hours of operation for all uses are 5:00 a.m. until 11:00 p.m. except for restaurants serving alcohol. The hours of operation for restaurants serving alcohol are as follows:

Sunday through Wednesday – 12:00 AM Closing
Thursday through Saturday – 12:30 AM Closing

B. The hours of operation of transit accommodations shall be allowed as permitted in the B-1 Zoning District. The patio area associated with the restaurant shall close at midnight.

C. Building B, to be located on Lot 2, Block 1, as shown on the Special District Plan, shall be allowed to have a single lane drive-through.

Other businesses requiring drive-through lanes shall be allowed as approved by City Planning Department.

All drive-through facilities shall conform to the stacking requirements of the approved Special District Plan. No more than two drive-through lanes shall be allowed on Parcel A.

Subd. 5. Lot Development Standards

A. Facilities for refuse disposal and recycling shall be enclosed by solid fence or walls, and landscaping shall be installed around the perimeter.

B. Utility boxes and water backflow prevention devices shall be located so they are visually unobtrusive and screened with landscaping as allowed.

- C. Buildings shall be oriented to face the interior of the site and the private interior street with entrances and display windows centrally focused reinforcing Town Center design principles. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. A revocable permit shall be required by the City whenever a canopy or awning extends into the public right-of-way or private street. Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right-of-way and in courtyards provided that pedestrian circulation and access to store entrances are not impaired.
- D. Bicycle-locking stands are required in each Town Center area. One stand, which holds a minimum of six bicycles, shall be provided for every 20,000 square feet of gross leasable space. These stands must harmonize with the architecture of the retail area.
- E. Street trees are required along the public and private streets at a minimum spacing of 35 feet on center. These trees shall be planted in tree grates or planting beds with a minimum size of 30 square feet and a minimum horizontal dimension of five feet.
- F. The amended Special District Plan dated, August 17, 2016, shall allow the following square footage of uses by building use:
 - 1. Commercial/Retail space on Lot 1, Block 1, shall be a maximum of 40,000 square feet.
 - 2. Multi-Family use on Lot 3, Block 1, shall have a maximum of 159 residential units.
 - 3. Building B on Lot 2, Block 1, shall be a maximum of 6,000 square feet and may include an outdoor patio with a single lane drive-through facility.
 - 4. Transient accommodations on Lot 2, Block 1, shall be allowed up to 63,000 square feet, not including underground parking area, and a maximum total number of keys of 107.
 - 5. Transient accommodations on Lot 1, Block 1, shall be allowed up to 67,120 square feet, not including underground parking areas, and a maximum total number of keys of 104.

Subd. 6. Parking

- A. Parking requirements for the Town Center District shall use business

center parking standards of the Rochester Zoning Ordinance and Land Development Manual. Otherwise, follow parking requirements for the use as listed in the B-1 zoning district applies.

1. Consideration shall be given to reducing the overall parking areas by allowing parking to be shared between uses. Up to 25% of required parking stalls may be shared between uses on site.
 2. Restaurant / Office uses do not require additional adjustment (Section 62.383) beyond Business Center base parking rates.
- B. In commercial or office uses, which have shop fronts adjacent to sidewalks and private streets, on-street parking directly in front of the lot shall count toward fulfilling the parking requirement.
- C. Parking Lot Screening
- (1) All parking areas containing more than six spaces (if not screened by the building from public roads and not including angle or perpendicular parking adjacent to public or private roads) must be screened with a hedgerow, or a three foot high berm, or a low wall (3.5 feet minimum height).
- These landscaped areas must be a minimum of three feet wide unless grades require a larger width to maintain slopes of 4:1 or shallower. Where angle or perpendicular parking is adjacent to these areas, then the minimum width shall be five feet. Hedgerows shall be planted at a maximum of four feet on center and shall reach a minimum height of three feet and a maximum height of six feet.
- D. Parking Lot Landscape:
- (1) Parking areas containing more than 15 spaces and containing more than two contiguous or parallel rows of parking shall have internal landscaping within the parking area equal to at least five percent of paved area of the lot (including drive aisles and driveways).
 - (2) Paved areas do not include sidewalks, patios, or other paved areas not associated with vehicle parking or circulation. Planting areas must be distributed throughout the parking areas. They must have a minimum width of at least eight feet and be at least 100 square feet in area.
 - (3) At least one canopy tree or two understory trees (minimum size for canopy trees in 1- 1/2" caliper and minimum size for

understory tree is one inch caliper) shall be planted for each island. The landscape islands shall not be used for snow storage and any planting must be maintained in a healthy condition and appearance. These areas may be depressions or rain gardens to temporarily store rainwater. These areas may contain external standard lighting fixtures.

- (4) The density and approximate location of landscape trees and shrubs shown on the Special District Plan shall be the basis for the landscape requirements in this District. This includes the bufferyard along the eastern side of Parcel A, should the existing shrub and treed area be disturbed from grading activities, landscape trees and shrubs shall be re-installed.

- E. The RIVERFRONT COMMONS, Property Owner's Association for Parcel A, shall be responsible for the repair and maintenance of service drives, parking lots, entry roads, landscaping constructed, and the maintenance of the existing vegetation and fence on the property.

Subd. 7. Signs

- A. Signs should add interest to the street level environment. They can only unify the overall architectural concept of the building, or provide unique identity for a commercial space within a larger mixed-use structure. Signage shall be appropriate for the scale, character and use of the project and surrounding area. Signs should be oriented and scaled for both pedestrians on sidewalks and vehicles on streets. The following sign types are recommended as they satisfy these requirements:

- (1) Pedestrian-oriented projecting (blade) and window signs.
- (2) Marquee signs and signs on overhead weather protection.
- (3) Neon signs complying with the Land Development Manual for building facade sign.

- B. Type B sign standards shall be used for all commercial uses with the following modifications (General Standards):

- (1) Free standing sign- maximum height 15 feet.
- (2) Projecting sign — maximum area - 20 square feet, maximum height — 12 feet.
- (3) Graphics sign — maximum area of 10% of wall and may be painted directly on building facade.

- (4) Auxiliary sign- maximum height- six feet.
 - (5) Billboards shall be prohibited.
 - (6) All wall signage should be compatible with other signs and architecture.
 - (7) No digital signs shall be allowed.
- C. Type B sign standards shall be used for all commercial uses with the following modifications (Detailed Standards):
- 1. Free standing signs
 - (a) Directional signs:
 - (1) Maximum three directional signs per tract. Additional traffic directional signs may be allowed for the safe and orderly flow of traffic upon the written approval of the Planning Department staff.
 - (2) Setbacks shall match the setbacks of the principal building.
 - (3) Single-faced signs shall be set parallel to the front build-to line.
 - (4) Double-faced signs may have two faces, which are parallel to each other and set perpendicular to the front build-to line.
 - (5) Sign size:
 - (a) Not to exceed four square feet (measured from grade at sign location to top of highest point of sign and from maximum dimension side to side).
 - (b) Maximum height not to exceed three feet (measured from grade at sign location to top of highest point on sign and from maximum dimension side to side).
 - (b) Monument signs:
 - (1) Maximum one monument sign per building and one monument sign as an identifier of the development as a whole.

- (2) Setbacks shall match the setbacks of the principal building.
- (3) Single-faced signs shall be set parallel to front build-to line.
- (4) Double-faced signs may have two faces, which are parallel to each other and set perpendicular to front build-to line.
- (5) Sign size:
 - (1) Not to exceed 36 square feet (measured from grade at sign location to top of highest point on sign and from maximum dimension side to side).
 - (2) Maximum height not to exceed six feet, six inches measured from grade at sign location on top of highest point on sign and from maximum dimension side to side.
 - (3) Fill cannot be used or otherwise mound dirt in order to alter the ground level in order to attempt to have a sign that stands higher than permitted herein.
 - (4) In addition, drive-in merchandising businesses shall be allowed informational signage (menu, price, etc) as monument and/or mounted signs not exceeding 32 square feet in total gross surface area.
 - (a) The portion of the monument sign used for changeable copy shall not exceed 16 square feet.

2. Facade signs

(a) Marquee signs

- (1) One marquee sign is permitted for each facade visible from a dedicated right-of-way or private street.

- (2) Marquee signs shall be used primarily to list tenants and/or occupants of the building to which it is applied.
- (3) Marquee signs shall be aligned with the plane of the facade.
- (4) Marquee signs shall be located at or near building corners or at the entrance of a building.
- (5) Marquee signs shall not obscure or cover transom windows, any upper floor windows, piers or architectural features except those specifically designed to receive signs.
- (6) Sign size must not exceed 12 square feet (measured from the lowest point on sign on top of highest point on sign and from maximum dimension side to side).
- (7) Projection from facade not to exceed six inches.

(b) Wall signs

- (1) One mounted wall sign is allowed for each facade visible from a dedicated right-of-way or private street. Saw teeth, projections and short lengths of wall shall not be considered as a major facade.
- (2) Mounted wall signs may be applied to any facade.
- (3) Mounted wall signs may not obscure or cover windows, piers or architectural features except those specifically designed to receive signs.
- (4) Bottom of mounted sign must be a minimum of seven feet, six inches above the street level.
- (5) Sign size:
 - (a) Ten percent of the wall areas.
 - (b) Maximum size shall not exceed 120 square feet.
 - (c) The portion of the mounted signs used for

changeable copy shall not exceed 16 square feet.

- (6) Projection from the facade may not exceed six inches.
- (7) Signs may be painted directly on the building facade.

(c) Sun Canopy/Awning Signs

- (1) Signage may be incorporated onto awnings applied to any facade.
- (2) Size of signage applied to awnings shall be an additional 10% or 120 square feet, whichever is smaller.
- (3) Lettering and graphics shall be applied flat to awning skirt or awning face only, and shall not extend horizontally or vertically beyond it.
- (4) Lettering and graphics shall be applied to awnings located on floors one and two only.
- (5) Maximum of one sign per canopy or awning permitted.

(d) Hanging and Projecting Signs

- (1) One hanging or projecting sign is allowed per tenant per facade.
- (2) Hanging signs shall be set perpendicularly to the facade and hang from a top support.
- (3) Projecting signs shall be set perpendicularly to the facade and are supported at the top, bottom or on the face of the sign only.
- (4) Hanging or projecting signs when used shall be placed above or near entrances, or in a location which is consistent with the facade.
- (5) Bottom of hanging or projecting signs shall be a minimum of eight feet above the street level and no higher than 12 inches above the street level.

- (6) Hanging or projecting signs may be set on building corners at 135 degrees to each facade.
- (7) Sign face size must not exceed four square feet per side.
- (8) Projection from facade:
 - (a) Sign and apparatus shall project no greater than four feet from facade.
 - (b) Sign and apparatus may extend beyond building setback line including into the right-of-way or private street, but no greater than the closer of four feet or the back of curb.
- (e) Window Graphics
 - (1) Lettering and graphics, when used, shall be applied to glass only.
 - (2) The combined total square footage of lettering and graphics applied to a window shall not exceed 30% of the clear glass size.
 - (3) Lettering and graphics shall be applied to windows on floors one and two only,
 - (4) Neon signs shall be placed on the inside face of glass only.
 - (5) Neon signs are limited to a maximum size of four square feet.
 - (6) Neon used within the ~~structure~~ building is not restricted assuming it is not visible from the public street frontage.

3. Flags

- (a) Permitted flags shall be limited to those of governmental entities, including nations, states and agencies or the display of corporate logos.
- (b) Flagpoles are allowed on any facade or on the ground.

- (c) Flagpoles may be parallel or perpendicular, vertical or set at an angle to the facade.
- (d) A maximum of three flags are allowed per building and shall be located on a single facade.
- (e) Bottom of flag shall be a minimum of eight feet above the adjacent grade/sidewalk.
- (f) Height of flagpole shall be no higher than the building it serves. Maximum height shall not exceed 35 feet.
- (g) Projection from facade:
 - (1) Flag, when extended and apparatus shall project no greater than six feet from facade.
 - (2) Flag, when extended, and apparatus may extend beyond building line including into the right- of-way or private street but no greater than the closer of four feet or the back of the curb.
- (h) Flag size:
 - (1) Not to exceed 24 square feet per face.
 - (2) Maximum height not to exceed five feet.

4. Other Signs

- (a) Temporary signs announcing or advertising any educational, charitable, philanthropic, CIVIC, or religious event shall be permitted for a period not to exceed 21 days preceding the event and shall be removed within five days following the event. The location of such signs shall be limited to the boundaries of the property where the event is to take place. Signs can be two faced each face not more than 32 sq. ft. in gross surface area, so long as the internal angle between the two faces does not exceed 60 degrees. A sign permit from the City is required.

- 5. Temporary all-weather banners announcing any civic, educational, charitable, cultural or community event may be required on designated light standards within the private streets in or near the location of the event upon written application of the

property owner's association for a sign permit. Such banners shall each be limited to a total gross surface area of six square feet.

D. Signage associated with Multi-Family residential uses shall meet Type R sign regulations (Section 63.220) and as follows:

(a) Free Standing Signs:

(1) Directional Signs:

(a) A maximum of four directional signs shall be allowed. Traffic directional signs will be allowed for the safe and orderly flow of traffic.

(b) Wherever possible, single-faced signs shall be set parallel to the front build-to line.

(c) Sign Size:

i. Not to exceed four square feet (measured from grade at sign location to top of highest point of sign and maximum dimension side to side).

ii. Maximum height not to exceed three feet (measured from grade at sign location to top of highest point on sign and from maximum dimension side to side).

(2) Monument Sign:

(a) A maximum of one monument sign shall be associated with the multi-family building on site.

(b) Sign Size:

i. Not to exceed eighty square feet (measured from grade at sign location to top of highest point of sign and maximum dimension side to side).

ii. Maximum height not to exceed six feet (measured from grade at sign location to top of highest point on sign).

iii. Ground-mounted lighting directed at monument

signage is permitted so long as it is not directed or project past the monument sign it illuminates, or toward the public right-of-way.

(c) Other Signs:

- i. Temporary signs announcing or advertising any educational, charitable, philanthropic, civic, or religious events shall be permitted for a period, not to exceed 21 days preceding the event and shall be removed within five days following the event. The location of such signs shall be limited to the boundaries of the property where the event is to take place.
- ii. Temporary all-weather banners announcing civic, educational, charitable, cultural or community events, and open houses will be permitted on the property. Such banners shall each be limited to 32 square feet of gross surface.
- iii. Building Identification Signage: Each building shall have a building use sign and street number on the exterior wall of each structure.

E. Lighted Signs:

1. Lighted signs on Lot 1, Block 1 shall not face the adjacent residential neighborhood to the east.

Subd. 8. Exterior Lighting. All lighting shall be directed away from on-site and off-site residential areas. See section 63.213(3).

- A. The commercial / office / retail areas of the site shall conform to exterior lighting standard 'B' as defined within Section 63.210.
- B. The residential areas of the site shall conform to exterior lighting standard 'R' as defined within Section 63.210.
- C. Illumination shall be controlled in a manner which does not contribute to light pollution on adjacent property per the standards identified within this section.
- D. Pole-mounted parking lot lighting shall be full cut-off and

not contribute to light levels beyond the property boundary.

- E. Building-mounted lighting, accent lighting and pedestrian lighting at sidewalks and walking paths is permitted. These fixtures are not required to be full cut-off however all fixtures shall conform to Section 63.210 and the lighting standards defined within items A thru D of this subdivision.
- F. All exterior lighting (pole mounted and wall mounted) on Lot 1, Block 1 shall be full cut-off as defined in (63.213 (3) "Luminaires with total cutoff less than 90-degrees".

Subd. 9. Architectural Standards

A. Standards for all uses:

1. Standards for all buildings.

- (a) Orientation of Buildings to Streets: Buildings shall be oriented so that primary entrances face the interior of the site and contribute to Town Center Design principles. Primary entrances shall be defined by scale and design detail and should be covered.
- (b) Street-facing Facade Design: No blank walls are permitted to face public streets, walkways, or public open space. Street-facing facades shall incorporate offsets in the form of projections and/or recesses in the facade plane at least every 50 feet of facade frontage. Wall offsets shall have a minimum depth of 2 feet. Patios and gathering spaces are encouraged and may extend up to 6 feet into the required setbacks. In addition, building recesses and changes in materials, textures, and/or colors further add interest and reduce perceived scale.
- (c) Four-Sided Design: All sides of the building shall be designed to provide architectural interest. Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades and main entry facades. All facades shall contain window openings excluding facades which directly face adjacent residential uses. Notwithstanding, the transient accommodation use on Lot 1 Block 1 shall be allowed to have windows facing adjacent residential uses provided privacy blinds are installed at each window. Additionally, exterior materials may include, but are not limited to the following:

- Brick
- Architectural pre-cast concrete
- Cast or natural stone
- Stucco or Exterior Finish and Insulation System (EIFS)
- Colored and/or decorative concrete masonry units
- Pre-Finished Metal Panel (non-ribbed)
- Tile
- Other high quality architectural materials

(1) Mechanical equipment, electrical and communication transformers, cabinets and service areas shall be located out of public view where feasible or screened from public view with fences, walls or landscaping.

(2) The following standards apply specifically to buildings consisting of commercial/office/retail uses:

(a) For multi-tenant buildings, a minimum of 50% of the façade facing the private streets at ground level must be clear or lightly tinted windows, doors or other treatment that are sufficiently transparent to provide pedestrian views into the building.

For individual tenant buildings and retail uses larger than 15,000 square feet, a minimum of 50% (up to 12' high) clear glass area shall be required within 50' of both sides of the main entrance. The balance of the building facades shall provide a minimum 10% glass area, which may be furnished with opaque, spandrel glass.

(b) Where buildings face both a public right-of-way and a private street, the following shall be required on the facade that faces the public right-of-way and if a building has a public entry on a private street:

(1) Each use shall have a door with at least 50% glass;

(2) Each door shall have a canopy or other overhang with a minimum depth of four feet; and

(3) For multi-tenant buildings, a minimum of 30% of the façade facing the street at ground level must be clear or lightly tinted windows, doors

or other treatment that are sufficiently transparent to provide pedestrian views into the building.

For individual tenant buildings and retail uses larger than 15,000 square feet, a minimum of 50% (up to 12' high) clear glass area shall be required within 50' of both sides of the main entrance. The balance of the building facades shall provide a minimum 10% glass area which may be furnished with opaque, spandrel glass.

- (c) Awnings, covered walkway, open colonnades, or similar weather protection must be provided by at least 50% of the commercial (retail and service) uses that front the private streets.
 - (d) Doorways, windows and other openings in the facade of a building shall be proportioned to reflect pedestrian scale and movement, and to encourage interest at street level.
 - (e) Extended awnings, canopies or large umbrellas shall be permitted and encouraged to provide shade. A revocable permit shall be required by the City whenever a canopy or awning extends into the public right of way. Restaurants shall be permitted to operate outdoor cafes on sidewalks, including area within the public right of way and in courtyards provided that pedestrian circulation and access to store entrances are not permitted.
- (5) Surface Parking: Surface parking shall not be located between a principal building front and the abutting primary street except for drive/circulation lanes and access lanes. Surface parking shall be located internal to the site, convenient to primary building entry points, and appropriately landscaped.
- (6) Accessory Structures: Benches, planters, and landscaping is encouraged, both at building entrances, and around the site. Additionally, accessory structures such as gazebos, arbors, and covered patios are encouraged in limited application to support pedestrian use and occupancy of the natural landscape. No accessory structures for storage or utility purposes are permitted on site.

Subd. 10. Open Space. Common Area "Open Space" or "The Commons" shall be maintained in accordance with either recorded Covenants, Conditions, and Restrictions for the RIVERFRONT COMMONS site or restrictions imposed by an association for the property. If Open Space areas are transferred by the Applicant/owner to another entity, such transfer document, including any restrictions or covenants, must be approved by the Common Council.

Subd. 11. Outdoor Storage. No outdoor storage shall be permitted except for refuse disposal and recycling storage.

A. Where refuse disposal and recycling storage is stored outdoors, the area shall be fully screened and enclosed including a landscaped perimeter.

B. Where a loading dock is located within 100' of an adjacent residential use, the loading dock area shall be screened with a wall to match the predominant materials of the associated building and covered to minimize noise from and vision into such area.

64V.231 **SUBDISTRICT REGULATIONS.**

Subdivision 1. Multi-Family Residential District — Parcel B.

Subd. 2. **Multi-Family Residential District.** The Multi-Family Residential District permitted uses shall consist of Independent Living, Assisted Living, and Memory Care Unit. Permitted uses and appearance control standards shall also comply with Section 62.240 for the R-3 Zoning District, unless regulated in this Special District.

A. Site Development Plan and Site Plan Review: The site shall go through review by City's Site Development Plan review process, and by an architectural review committee.

B. Site Standards:

1. Surface parking and underground parking shall be allowed.

2. Building Heights: The maximum height allowed in the R-3 regulations shall be varied to allow for a maximum of 62 feet and four stories above ground.

3. Setbacks:

- (a) Minimum side and rear setback shall be 35 feet.
 - (b) Minimum front yard setback shall be 45 feet
4. Building Square Footage: That Special District Exhibit D illustrates the location and size in gross square footage of each proposed structure. The plan will allow for a minimum deviation in square footage of 10%.

C. Permitted Uses shall include the following:

- 1. All Type I uses permitted in the R-3 District with the exception of the following:
 - (a) Single-family attached
 - (b) Single-family detached
 - (c) Duplexes
 - (d) Funeral Homes
 - (e) Parking facilities
 - (f) Agricultural operations
- 2. Additional uses permitted in the Special District shall be as follows:
 - (a) Others associated with the principle uses allowed
 - (b) Medical Facilities — Assisted Living and Memory Care Facility

D. Lot Development Standards:

- 1. Facilities for refuse disposal and recycling shall be enclosed by a solid fence or walls, and landscaping shall be installed around the perimeter (except in underground parking areas).
- 2. Utility boxes and water backflow prevention devices shall be located so they are visually unobtrusive and screened with landscaping as allowed.
- 3. Bicycle-locking stands are required for the Independent Living Facility.

E. Parking:

1. Parking requirements shall be as follows:

- (a) Independent Living:
Underground Parking: $1.3 \text{ stalls per unit} = 1.3 \times 47 = 62$ stalls
- (b) Assisted Living:
Surface parking: $0.5 \text{ stalls per unit} = 0.5 \times 100 = 50$ stalls
- (c) Staff parking for Assisted Living and Memory Care = 10 stalls

2. Parking Lot Screening and Landscaping:

- (a) The density and approximate location of landscape trees and shrubs shown on the Special District Plan shall be the basis for the landscape requirements in this District.
- (b) Shade trees are required around the parking lot perimeter and access drives outside the traffic visibility zones at a minimum spacing of 35 feet on center.
- (c) All parking areas containing more than six spaces (if not screened by the building from public roads and not including angle or perpendicular parking adjacent to public or private roads) must be screened with a hedgerow or low wall (3.5 feet minimum height). These landscaped areas must be a minimum of three feet wide unless grades require a larger width to maintain slopes of 4:1 or shallower. Where perpendicular parking is adjacent to these planted areas, then the minimum width shall be five feet. hedgerows shall be planted at a maximum height of six feet, minimum height of 3.5 feet, and a maximum of four feet on center spacing.
- (d) At least one canopy tree or two understory trees (minimum size for canopy trees is 1-1/2" caliper and minimum size for understory trees is one inch caliper) shall be planted for each island. The landscape islands shall not be used for snow storage and any planting must be maintained in a healthy condition and appearance. These areas may be depressions or rain gardens to temporarily store rainwater. These areas may contain external standard lighting fixtures.

(e) The existing brushy area along Parcel B's northern perimeter shall be managed for removal of invasive and other species of poor quality. These species include Siberian elm, common buckthorn, ash, and common varieties of other elm species. Desirable deciduous overstory trees shall be maintained that comply with City Forestry guidelines. Suitable species to be used to provide screening along the northern and western perimeter of the site include Valley Forge and Princeton (disease-resistant) American elm, hackberry, bur oak, black cherry, cranberry bush, viburnum, dogwood, chokeberry, serviceberry, elderberry and silver maple (Autumn Blaze Maple), in order to blend in with the native floodplain forest of the Zumbro River.

3. The Riverfront Commons Property Owners Association for Parcel B shall be responsible for the repair and maintenance of service drives, parking lots, entry roads, and landscaping and open space areas on the property.

F. Signs:

1. Signage for the site shall be permitted as follows:

2. Free Standing Signs:

(a) Directional Signs:

(1) A maximum of four directional signs shall be allowed. Traffic directional signs will be allowed for the safe and orderly flow of traffic.

(2) Wherever possible, single-faced signs shall be set parallel to the front build-to line.

(3) Sign Size:

(a) Not to exceed four square feet (measured from grade at sign location to top of highest point of sign and turn maximum dimension side to side).

(b) Maximum height not to exceed three feet (measured from grade at sign location to top of highest point on sign and from maximum dimension side to side).

(b) Monument Signs:

(1) A maximum of four monument signs in the appropriate locations as shown on the Special District Exhibit attached as Exhibit "D"

(2) Sign Size:

- (a) Not to exceed eighty square feet [measured from grade at sign location to top of highest point of sign and turn maximum dimension side to side] for monument signage located at main entrance. Monument signs located along 16th street SW shall not exceed one hundred square feet (measured from grade at sign location to top of highest point on sign and from maximum dimension side to side).
- (b) Maximum height not to exceed six feet (measured from grade at sign location to top of highest point on sign and from maximum dimension side to side).
- (c) Ground-mounted lighting directed at monument signage is also permitted so long as it is not directed or project past the monument sign it illuminates, or toward the public right-of-way.

(3) Other Signs:

- (a) Temporary signs announcing or advertising any educational, charitable, philanthropic, civic, or religious events shall be permitted for a period, not to exceed 21 days preceding the event and shall be removed within five days following the event. The location of such signs shall be limited to the boundaries of the property where the event is to take place.
- (b) Temporary all-weather banners announcing any civic, educational, charitable, cultural or community events, and open houses will be permitted on the property. Such banners shall each be limited to 32 square feet of gross surface.

- (c) Building Identification Signage: Each building shall have a building use sign and street number on the exterior wall of each structure.

G. Exterior Lighting:

Pole-mounted parking lot lighting shall be full cut-off and not contribute to light levels beyond the property boundary. Building-mounted lighting, accent lighting and pedestrian lighting at sidewalks and walking paths is permitted. These fixtures are not required to be full cut-off. (Refer to Section 63.213 (3) of the Land Development Manual.)

H. Architectural Standards:

1. Standards for all buildings.

- (a) Orientation of Buildings to Streets: Buildings shall be oriented so that primary entrances face the interior of the site. Primary entrances shall be defined by scale and design detail and should be covered. Street-facing Facade Design: No blank walls are permitted to face public streets, walkways, or public open space. Street-facing facades shall incorporate offsets in the form of projections and/or recesses in the facade plane at least every 40 feet of facade frontage. Wall offsets shall have a minimum depth of 2 feet. Open porches and balconies are encouraged on building fronts and may extend up to 6 feet into the required setbacks. In addition, at least two of the following design features shall be applied on all street-facing facades to create visual interest:

- Dormer windows or cupolas
- building recesses
- Fireplace chimney structures
- Covered porches, balconies or stoops
- Bay windows with a clear projection from the facade plane
- Eaves with a minimum 12 inch projection from the facade plane; or
- Changes in materials, textures, or colors

- (b) Four-Sided Design: All sides of the building shall be designed to provide architectural interest. Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades

and main entry facades. All facades shall contain window openings. Additionally, exterior materials may include, but are not limited to the following:

- Brick
- Architectural pre-cast concrete
- Cast or natural stone
- Stucco or Exterior Finish and Insulation System (EIFS)
- Colored and/or decorative concrete masonry units

(c) Mechanical equipment, electrical and communication transformers, cabinets and service areas shall be located out of public view where feasible or screened from public view with fences, walls or landscaping.

(a) Surface Parking: Surface parking shall not be located between a principal building front and the abutting primary street except for drive/circulation lanes and access lanes. Surface parking shall be located internal to the site, convenient to primary building entry points, and appropriately landscaped.

(b) Accessory Structures: Benches, planters, and landscaping is encouraged, both at building entrances, and around the site. Additionally, accessory structures such as gazebos, arbors, and enclosed porches are encouraged in limited application to support pedestrian use and occupancy of the natural landscape. No accessory structures for storage or utility purposes are permitted on site.

I. Outdoor Storage:

No outdoor storage shall be permitted.

64V.300 BOUNDARIES.

The regulations established herein shall apply to the land described in section 64V.100 and shall be designated "SD" on the zoning map.

64V.400 EXHIBITS

The following documents shall be submitted with the Special District application and included as exhibits of this Ordinance:

- A. RIVERFRONT COMMONS General Development Plan, Exhibit C.
- B. Special District Plan, Exhibit A, Example Site Layout, Multiple Tenant Scheme for Parcel A
- C. Special District Plan, Exhibit B, Example Site Layout, Single Tenant Scheme for Parcel A
- D. Special District Plan, Exhibit D, Alternate Layout for Parcel B
- E. Special District Plan, Exhibit E, Plan for Lot 2, Block 1, Parcel A
- F. Special District Plan, Exhibit F, Plan for Lot 1, Block 1, Parcel A

64V.500 GENERAL DEVELOPMENT PLAN AND GUIDE FOR DEVELOPMENT.

The RIVERFRONT COMMONS General Development Plan, following Special District approval and a rezoning of the area to Special District, together with the attached Exhibits A, B, C, D, E, and F are, in combination, recognized as the guide for the development of the Special District.

64V.600 EFFECTS OF REGULATIONS

The General Development Plan and Final Plat together with the conditions and restrictions imposed, if any, shall govern the use and development of the land. In the event there should be a discrepancy or conflict in the language within previous Special District Ordinances, the language applicable to 64V.231 shall govern.

64V.700 EXTENSION OF SPECIAL DISTRICT

An amendment to the Special District may be initiated by the owner of contiguous undeveloped property or by the City of Rochester. The amendment must support the intent of this Special District. A petition to extend said district shall be accompanied by a General Development Plan application and additional submittals consistent with this chapter.

64V. 800 DEVELOPMENT PROCEDURES

Subdivision 1. Except as herein described, development procedures for property within the Special District shall be consistent with the requirements of the Rochester Code of Ordinances. Additional plans and information shall be submitted, as necessary, for development within the Special District, as outlined below. If determined necessary by the Zoning Administrator, additional plans or information necessary for development approvals shall also be submitted. A site development plan for uses in the Town Center and Multi-Family Residential District shall be prepared and submitted for review in accordance with the standard

requirements of the existing Zoning Ordinance and Land Development Manual for the City of Rochester. The City Planning Department will conduct a site plan review without a public hearing for uses within the Town Center and Multi-Family Residential District to determine whether the plans are consistent with the overall architectural standards and character of this Special District. Proposed uses in the Town Center and Multi-Family Residential District shall be reviewed in terms of the extent to which they comply with standards of this district established for architecture, signage, parking and landscaping.

Subd. 2. Final Plat Application. Final plat applications within the Special District shall include plans and information consistent with the requirements of the Rochester Code of Ordinances and shall be submitted at least three weeks prior to the City Council meeting at which they will be considered. If requested by the Zoning Administrator, additional information needed in order to judge the nature and propriety of the proposal shall also be submitted.

Subd. 3. Zoning Certificate and Building Permit. Applications for building permits and zoning certificates within the Special District shall include submission of building locations and plans for compliance with this Special District's intent as outlined in the covenants submitted with the final plat.

Subd. 4. Staff Authorized Changes to the Special District: Staff authorized changes may be permitted in accordance with the standards set forth in section 61.148. Changes that exceed the standards of section 61.148 will be subject to approval by a Type III, Phase II procedure.

64V.900. RESCINDING APPROVAL.

Subdivision 1. After six years from the date of approval of the Special District, the Council may, following a public hearing, rescind approval of this Special District upon finding that no progress has been made in the construction of the development,


Subd. 2. Section 60.327 of the Rochester Code of Ordinance is amended and reenacted to read as follows:

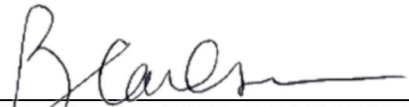
60.237 SPECIAL DISTRICTS: Existing Special Districts approved by Ordinance numbers 3443, 3404, 2726, 2516, 2247, 3385, 3468, 3497, 3503, 3520,

3534, 3604, 3615, 3691, 3730, 3814, 3889, 3919 and 4199 are recognized as separate zoning districts and the plans and procedures established for each Special District will continue in force. When a Special District Ordinance does not specify the procedure or criteria to amend an approved site/development plan, the proposed amendment will be reviewed under section 61.148. When a Special District requires a specific site/development plan review process, but does not specify the criteria by which to review the site/development plan, the development will be reviewed under section 61.148. When a Special District Ordinance requires a two phase review, the development will be reviewed under section 61.146 and either section 62.708 (1) (for preliminary plans) or Section 62.70B (2) (for final plans).

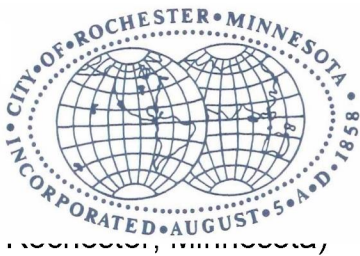
- Subd. 3. This Ordinance shall become effective on and after the date of its publication.


PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 1st DAY OF March, 2021.

ATTEST: 
CITY CLERK


PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS 3rd DAY OF March, 2021.




MAYOR OF SAID CITY